IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2318 OF 2004

Nirmala G. .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.R.G.Walia for the Petitioner.

Mr.Rajiv Chavan with Mr.Y.S.Bhate i/by Mr.T.C.Kaushik for Respondent No.1.

Ms.N.V.Masurkar for Respondent No.5.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 22.03.2005.

P.C.:

1. Rule. Heard fortwith.

2. We are unable to appreciate the technical objection raised on behalf of the Respondents, more so by Respondent No.5 in respect of an innocuous order passed by C.A.T. in the matter of casual employees who were earlier in service of the Respondents. In respect of three similar employees, there was an order of CAT dated 1st March, 2001 which has not been challenged by the Respondents. The operative part of the order of CAT reads as under:-

> Having regard to the fact and circumstances of the case, we dispose of the O.A. with the direction to the Respondents to provide work to the applicants provided there is work available for them. Their

services will not be replaced by appointing outsiders as casual mazdoor. The applicants claim for being granted temporary status and thereafter being regularised may also be considered as per rules. No order as to costs.

3. That order has not directed the Respondents, either to reinstate the said workers or to regularise them. All that it says is that, if there is work available then the applicants therein will be provided work first, and no outsiders will be engaged in the place of the applicants and that the claim of the applicants for being granted temporary status and thereafter being regularised may be considered as per the rules.

4. We see no reason as to wby the case of the petitioner herein should not be treated in a like manner. The only difference is that the petitioner has come subsequent to the orders in O.A. No.967 of 1999 which was disposed of on 1.3.2001 and to which we have adverted earlier.

5. Considering the above, we dispose of the petition by directing the Respondents to provide work to the petitioner herein as a casual mazdoor, after providing the work to the three applicants who were applicants in O.A.No.967 of 1999, provided there is work available. Further, the services of the petitioner herein will not be replaced by appointing outsiders as casual mazdoors.

If there is any scheme for granting temporary status and/or for regularisation, considering the number of days the petitioner has been working, the Respondents, that may be considered according to law.

6. With the above directions, petition stands disposed of.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)